



ZONING ADMINISTRATOR

NOTICE OF DECISION

Date: September 25, 2015
Applicant: BHA, Inc.
Case No.: DRC-14-15
Address: 2015 Birch Road #107-23
Project Planner: Caroline Young

Notice is hereby given that on September 25, 2015, the Zoning Administrator considered Design Review Permit (DRC) application (DRC-14-15), filed by BHA, Inc., ("Applicant"). The Applicant requests DRC approval to construct the Freddy's Frozen Custard restaurant consisting of a one-story, 3,101 square-foot building with a drive-thru ("Project"). The Project is located at 2015 Birch Road #107-23 ("Project Site") and is owned by GGP Otay Ranch LP ("Property Owner"). The Project Site is zoned Planned Community Freeway Commercial (PCFC-1) with a General Plan designation of Freeway Commercial (FWC) within the Otay Ranch Freeway Commercial Specific Planning Area. The Project is more specifically described as follows:

The Applicant proposes to construct the Freddy's Frozen Custard restaurant consisting of a one-story, 3,101 square-foot building with a drive-thru. The proposed building will be located within the Otay Ranch Town Center with parking at the side and rear of the lot. The front entrance to the restaurant will be from an internal driveway within the shopping center, adjacent to the westerly driveway along Birch Road. A semi-enclosed outdoor dining area is provided at the south end of the building.

The building will consist of two primary stucco facade colors to provide contrast. A "Khaki Shade" color with a trim color of "Navajo White". Wainscot will be provided around the building with an exterior stone "Castello Limestone" color that wraps around the entire building to match the Otay Ranch stone material, and a "Cardinal Red" metal coping, and a "Dark Bronze" building window frames. Other materials include a vinyl awning, guard railing, and decorative gooseneck lighting to enhance the buildings architecture. Different roof heights and columns are also provided throughout the elevation. Enhanced landscaping will be provided throughout the site, as well as a trash enclosure located at the rear of the site.

The following Project Data Table shows the development regulations along with the applicant's proposal to meet said requirements:

Assessor's Parcel Number:	643-061-01-00
Current Zoning:	Planned Community Freeway Commercial (PC,FC-1)
General Plan Designation:	Freeway Commercial (FWC)
Lot Area:	0.38-acres (lease area)
PARKING REQUIRED: 1 space/each 7 seats, plus 1 per employee 116 seats, 10 employees at one time Total = 27	PARKING PROPOSED: Standard Spaces: 17 Compact Spaces: 0 ADA Spaces: 2 Total = 33
SETBACKS/HEIGHT REQUIRED: Front: SP Sides: SP Rear: SP Setback from Birch Road: 75-feet Height: 60 feet	SETBACKS/HEIGHT PROPOSED: (from lease line) 76 feet 25 & 154 feet 63 feet 276 feet 20 feet

The Development Services Director has reviewed the Project for compliance with the California Environmental Quality Act (CEQA) and has determined that the project was adequately covered in previously adopted Final Second Tier EIR (EIR-02-04), for the Otay Ranch Freeway Commercial Sectional Planning Area (SPA) Plan. No further environmental review or documentation is necessary.

The Project is consistent with the development regulations of the Planned Community District (FC1) Freeway Commercial District 1 zone of the Otay Ranch Freeway Commercial SPA Plan. The Project is also consistent with the design standards for the Otay Ranch Freeway Commercial Design Plan. The Zoning Administrator, under the provisions of Section 19.14 of the Chula Vista Municipal Code and the Otay Ranch Commercial SPA plan has conditionally approved said request based upon the following findings of facts as required by CVMC Section 19.14:

That the proposed development will be consistent with the City of Chula Vista's General Plan, Title 19 of the Municipal Code, and the Otay Ranch Freeway Commercial SPA Plan land use designations.

The Project is consistent with the City of Chula Vista's General Plan and the Otay Ranch Freeway Commercial SPA Plan. The site is located within the Otay Ranch Town Center, therefore, additional architectural design features, such as the cultured stone veneer to match the Otay Ranch stone material is proposed. Other materials include a vinyl awning and aluminum frame, guard railing, and decorative gooseneck lighting in addition to the different stucco colors to complement the building's

architecture and that of the other buildings. Different roof heights and columns are also provided throughout the elevation. A small seating area will also be located outside adjacent to the front doors for pedestrians. Enhanced landscaping will be provided throughout the site.

The design features of the proposed development are consistent with, and are a cost-effective method of satisfying, the City of Chula Vista Design Manual and Landscape Manual.

The Project's design features are a cost-effective method of satisfying, the City of Chula Vista Otay Ranch Freeway Commercial SPA Plan Design Guidelines and Landscape Manual. The landscape plan proposes water efficient plants and water efficient irrigation system to reduce the overall maintenance cost of the project.

- I. The following shall be accomplished to the satisfaction of the Development Services Director, prior to issuance of building permits, unless otherwise specified:

Development Services Department:

1. Prior to approval by the City of Chula Vista for the use of the subject property in reliance on this approval, the Applicant/Representative and Property Owner shall execute this document by making a true copy of this letter of conditional approval and signing both this original Notice of Decision and the copy on the lines provided below, said execution indicating that the Applicant/Representative and Property Owner have each read, understood and agreed to the conditions contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department. Failure to return the signed true copy of this document within 30 Days of the effective date herein shall indicate the Applicant/Representative and Property Owner's desire that the Project, and corresponding application for building permits and/or business license, be held in abeyance without approval.

Signature of Applicant/Authorized Representative

Date

Signature of Property Owner

Date

2. Prior to, or in conjunction with the issuance of the first building permit, Applicant shall pay all applicable fees, including any unpaid balances of permit processing fees for deposit account DQ-1804.
3. The Project's colors and materials specified on the building plans shall be consistent with the colors and materials shown on the site plan and materials board approved by the Zoning Administrator on September 25, 2015.

4. A graffiti resistant treatment shall be specified for all wall and building surfaces, and noted on any building and wall plans. Additionally, the Project shall conform to CVMC Section 9 20.055 regarding graffiti control. The Applicant shall remove all graffiti on a regular basis. The Applicant shall place a note to this effect on the building permit plans.
5. All roof appurtenances, including air conditioners and other roof mounted equipment and/or projections, shall be screened from view and the sound buffered from adjacent properties and streets as required by the Development Services Director. Such screening shall be architecturally integrated with the building design and constructed to the satisfaction of the Development Services Director.
6. All ground mounted utility appurtenances such as transformers, AC condensers, etc., shall be located out of public view and adequately screened through the use of a combination of concrete or masonry walls, berming, and/or landscaping to the satisfaction of the Director of Development Services.
7. The Applicant shall obtain approval of a sign permit for each sign by the Development Services Department. Signs shall comply with all applicable requirements of the Municipal Code and Otay Ranch Freeway Commercial Specific Planning Area.

Land Development Division/Landscape Architecture Division:

8. The following fees shall be paid based on the final building plans submitted per the Master Fee Schedule:
 - a. Sewer Connection and Capacity Fees
 - b. Traffic Signal Fee
 - c. Public Facilities Development Impact Fees (PFDIF)
 - d. Eastern Transportation Development Impact Fees (ETDIF)
 - e. Other Engineering Fees as applicable per attached Master Fee Schedule
9. Additional deposits or fees in accordance with the City Subdivision Manual, and Master Fee Schedule shall be paid for the submittal of the following items:
 - a. Grading Plans
 - b. Street Improvement Plans
 - c. Construction Permit
10. Prior to the approval of any building permit, the Owner/Applicant shall submit duplicate copies of all commercial, industrial or multifamily projects in digital format, such as (DXF) graphic file, on a CD or through e-mail based on California State Plane Coordinate System (NAD 83, Zone 6) in accordance with the City's Guidelines for Digital Submittal. DXF file shall include a utility plan showing any and all proposed sewer or storm drain on site.

11. The Applicant must obtain a Land Development Permit prior to beginning any earthwork activities at the site and before issuance of Building Permits in accordance with Municipal Code Title 15.04. Developer shall submit grading plans in conformance with the City's Subdivision Manual and the City's Development Storm Water Manual requirements, including, but not limited to the following:
 - a. Grading plans shall be prepared by a registered Civil Engineer and approved by the City Engineer.
 - b. Drainage Study and Geotechnical/Soils Investigations are required with the first submittal of grading plans. The Drainage Study shall calculate the Pre-Development and Post-Development flows and show how downstream properties and storm drain facilities are impacted. Design shall incorporate detention of storm water runoff if Post-Development flows exceed Pre-Development flows; analysis shall include flows from 2 yr, 10 yr, and 50 yr return frequency storms.
 - c. Drainage study shall also demonstrate that no property damage will occur during the 100-year storm event.
 - d. Drainage study shall show any offsite flows.
 - e. All onsite drainage facilities shall be private.
 - f. Any offsite work will require Letters of Permission from the property owner(s).
12. Provide two copies of the following technical reports with the first submittal of building plans:
 - a. Drainage study
 - b. Water Quality Technical Report (WQTR)
 - c. Geotechnical Report
13. Retaining Walls
 - a. All retaining walls shall be noted on the building plans and include a detailed wall profile.
 - b. Structural wall calculations are required if walls are not built per San Diego Regional Standard Drawings, or City of Chula Vista Construction Standards CVCS-30 thru 40, and if fences are to be placed on top of retaining walls.
 - c. Retaining walls that will be part of a building wall must be approved as part of the building permit for the project.
 - d. Retaining walls around trash bin, if any, shall be noted on the building plans and called out per standard
 - e. Detail how retaining wall drains tie into the drainage system.

14. A final Water Quality Technical Report (WQTR) and Drainage study shall be submitted prior to building permit approval along with a site plan showing that Project can meet the City's Low Impact Development (LID), Source Control, Treatment Control, and Hydromodification Control BMP Requirements. The Water Quality Technical Report shall include design features, such as bio-retention facilities, and other high-efficiency BMPs per Low Impact Development (LID) requirements under current City Standard Urban Stormwater Mitigation Plan (SUSMP) standards, the City's Development Storm Water Manual, and as imposed by the current NPDES Municipal Permit adopted by the Regional Water Quality Control Board. LID principles must be incorporated into the project's design. For additional information, refer to the Chula Vista Development Storm Water Manual website. The County of San Diego Low Impact Development Manual provides assistance with the selection of various design features.
15. Pursuant to the NPDES Municipal Permit, Order No. R9-2013-0001, new regulations will come into effect on May 2015, which may impose additional requirements on development projects that have not begun construction at that time.
16. The trash enclosure area shall be covered with a solid roof or awning to avoid contamination of runoff. The site shall be graded in such a way as to prevent run-on into, and run-off from, the trash enclosure area. The location of the trash enclosure area(s) shall be shown on the plans.
17. The Applicant shall enter into a Storm Water Management Facilities Maintenance Agreement to perpetually maintain private BMP's located within the Project prior to issuance of any Building Permits, whichever occurs first.
18. All sewer laterals and storm drains shall be privately maintained from each building unit to the City-maintained public facilities
19. All proposed sidewalks, walkways, pedestrian ramps, and disabled parking shall be designed to meet the City of Chula Vista Design Standards, ADA Standards, and Title 24 standards, as applicable
20. Any private facilities, if applicable, within Public right-of-way or City easement will require an Encroachment Permit prior to Improvement Plan or Building Permit approval.
21. The Applicant shall submit complete landscape and irrigation plans as required by the City of Chula Vista Municipal Code, meeting all applicable City requirements, for review and approval prior to approval of the first building permit.
22. Prior to approval and issuance of the building permit, the Applicant shall submit complete landscape construction documents for approval demonstrating that the installed landscape will comply with the City of Chula Vista Water Conservation

Ordinance, Chapter 20.12 of the Municipal Code. The title sheet of the drawings shall include a signed statement from the landscape architect of work as follows:

“I am familiar with and agree to comply with the requirements of the landscape improvement plans as described in Chapter 20.12 of the City of Chula Vista Municipal Code. I have prepared these plans in compliance with those regulations. I certify that the plan implements the regulations to provide efficient water use.”

Fire Department

23. The Applicant shall apply for required building permits. Permits shall comply with applicable codes and requirements, including but not limited to: the current California edition of Building Code (CBC) & Fire Code (CFC) as adopted and amended by the State of California and the City of Chula Vista.
24. The existing on site fire hydrant system is adequate to provide the required fire flow and minimum number of fire hydrants for this Project.
25. Buildings shall be provided with Knox appliances.
 - Provide a Knox Vault at the main entrance to the building

Public Works Department, Environmental Division

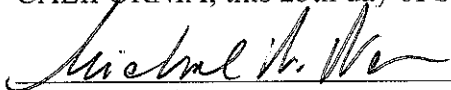
26. The Applicant shall develop and submit a “Recycling and Solid Waste Management Plan” to the Conservation Coordinator for review and approval as a part of the permit process. The plan shall demonstrate those steps the Applicant will take to comply with Municipal Code, including but not limited to Section 8.24, 8.25, and 19.58.340 and meet the State mandate to reduce or divert at least 50% of the waste generated by all residential, commercial and industrial developments. The Applicant shall contract with the City’s franchise hauler throughout the construction and occupancy phase of the project. The “Recycling and Solid Waste Management Plan” features should be identified on the building plans.
27. The Applicant shall submit the required performance deposit fee per the Mandatory Construction & Demolition Debris requirement

II. The following on-going conditions shall apply to the Project as long as it relies upon this approval.

1. The Applicant shall maintain the Project in accordance with the approved plans for DRC-14-15, approved on September 25, 2015, which include site plan and architectural elevations on file in the Development Planning Division, the conditions contained herein, and Title 19.
2. All landscaping and hardscape improvements shall be installed and maintained in accordance with the approved landscape plan.

3. Approval of this request shall not waive compliance with all sections of Title 19 of the Municipal Code, and all other applicable City Ordinances in effect at the time of building permit issuance
4. The Applicant/Representative and Property Owner shall and does hereby agree to indemnify, protect, defend and hold harmless City, its City Council members, officers, employees and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney's fees (collectively, liabilities) incurred by the City arising, directly or indirectly, from (a) City's approval and issuance of this permit, (b) City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated herein, and Applicant/operator shall acknowledge their agreement to this provision by executing a copy of this permit where indicated above. The Applicant/Representative and Property Owner's compliance with this provision is an express condition of this permit and shall be binding on any and all of Applicant/Operator's successors and assigns
5. This Design Review Permit shall become void and ineffective if not utilized within thirty-six (36) months from the effective date thereof, in accordance with Section 19.14.600 of the Municipal Code, unless an extension application is submitted within 30-days of the expiration date of September 25, 2018.

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA,
CALIFORNIA, this 25th day of September 2015



Michael Walker
Zoning Administrator